

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Tess Nguyen, Associate Planner
DATE: August 18, 2010

SUBJECT: **CONDITIONAL USE PERMIT NO. 2009-003 (THE OLIVE PIT ALCOHOL SALES AND OUTDOOR DINING)**

LOCATION: 16365 Bolsa Chica Street, 92649 (northwest corner of Bolsa Chica Street and Heil Avenue)

Applicant: Mike Adams, Michael C. Adams Associates, 21190 Beach Boulevard, Huntington Beach, CA 92648

Property Owner: Bijan Sassounian, 21190 Beach Boulevard, Huntington Beach, CA 92648

Request: To permit (a) a 19-space parking reduction associated with the establishment of a 2,940 sq. ft. restaurant and 320 sq. ft. outdoor dining area; and (b) the onsite sales and consumption of alcohol beverages located within an existing multi-tenant commercial shopping center.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: CG (Commercial General)

General Plan: CG-F1 (Commercial General – 0.35 Floor Area Ratio Maximum)

Existing Use: Vacant Commercial Suite

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of minor alterations to an existing commercial building involving no expansion in the overall floor area of the structure.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-003:

To permit a 19-space parking reduction associated with the establishment of a 2,940 sq. ft. restaurant and 320 sq. ft. outdoor dining area.

1. Conditional Use Permit No. 2009-003 for a 19-space reduction in the total required number of onsite parking for the establishment of a 2,960 sq. ft. restaurant and 320 sq. ft. outdoor dining area within an existing shopping center is substantiated by a parking demand analysis, prepared by LSA Associates, Inc. and Pritam Deshmukh, a state-registered traffic engineer (July 2010). An analysis is provided between the City's off-street parking requirements, the forecasted parking rates as determined by Institute of Transportation Engineers (ITE), Parking Generation (3rd Edition), and the observed parking demand for the project. The study concludes that 133 parking spaces can adequately accommodate the restaurant and outdoor dining area and the remaining uses at the existing shopping center. The shopping center currently maintains 162 onsite parking spaces. As a result, the parking demand study supports a 19-space reduction and concludes that adequate on-site parking can be accommodated for the establishment of the restaurant and outdoor dining area.
2. The proposed establishment of the restaurant and outdoor dining area in conjunction with the existing uses at the shopping center will generate a total demand of 133 parking spaces based upon a parking demand analysis prepared by LSA Associates, Inc. and Pritam Deshmukh. The study relied on a parking survey and analysis of the site, which concluded that the establishment of the restaurant and outdoor dining area will not generate additional parking demand at the shopping center.
3. A Transportation Demand Management Plan was prepared by Michael C. Adams Associates (June 30, 2010) for the existing shopping center. The plan incorporates transportation demand management measures such as bicycle parking and commuter information. The plan integrates transportation demand management strategies as required by HBZSO Section 230.36 and has been approved by the Director of Planning and Building.

To permit the onsite sale and consumption of alcoholic beverages within a new 2,940 sq. ft. restaurant and 320 sq. ft. outdoor dining area.

1. Conditional Use Permit No. 2009-003 for the establishment of onsite alcohol sales within a new 2,940 sq. ft. restaurant and 320 sq. ft. outdoor dining area at an existing commercial shopping center will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The sale of alcohol within the restaurant and outdoor dining area is not anticipated to generate additional noise, traffic, or other impacts detrimental to surrounding properties and inconsistent with the subject property's commercial zoning. The main entrance of the restaurant and outdoor dining area are oriented toward Bolsa Chica Street, away from adjacent residential uses located to the north and west of the subject site. The outdoor dining area shall be enclosed by a 3 ft. high decorative metal fence. Residential uses are adequately buffered from the restaurant and outdoor dining area by a 175 ft. separation which includes a one-story commercial building, a flood control channel, and a 6 ft. high perimeter block wall.
2. The conditional use permit will be compatible with surrounding uses because the onsite sale and consumption of alcohol will be ancillary to a restaurant use and occur entirely within the building and outdoor dining area within an established commercial shopping center containing similar and complementary uses. The outdoor dining area represents a negligible expansion of a restaurant use located within an existing commercial center.

3. The proposed Conditional Use Permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and any specific condition required for the use in the district in which it is located. The proposed eating and drinking establishment use is permitted within the CG (Commercial General) zoning district. The HBZSO permits alcohol sales with approval of a conditional use permit. The restaurant and outdoor dining area with alcohol sales will be located at an existing shopping center, which conforms to applicable site development standards in terms of minimum yard setbacks and minimum landscaping, and maximum floor area ratio with exception of the request for reduced parking.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following policy and objective of the General Plan:

A. Land Use Element

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

B. Economic Development Element

Policy ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The requested conditional use permit will accommodate existing development by allowing the establishment of a restaurant and outdoor dining area with alcohol sales. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located within an existing shopping center, which includes service related uses.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-003:

1. The site plan, floor plans, and elevations received and dated June 30, 2010 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Daily hours of operation shall be from 10:00 AM and 11:00 PM. **(PD)**
 - b. The submitted floor plan shall not be modified without the prior approval from the Huntington Beach Police Department. **(PD)**
 - c. Food service shall be available from the regular menu from the time the business opens to the public until a minimum of 30 minutes prior to the scheduled closing time. **(PD)**
 - d. All alcoholic beverages shall be limited to the interior of the restaurant or within the confines of the designated patio dining area. **(PD)**
 - e. All alcohol beverages shall be served in distinctive glasses, different than those containing non-alcoholic beverages. **(PD)**

- f. No dining or consumption of alcoholic beverages shall be permitted within the outdoor patio dining area between the hours of 10:00 PM and 11:00 AM. **(PD)**
 - g. All exterior doors shall remain closed during business hours. **(PD)**
 - h. No trash pickup or deliveries shall be made to the rear (west end) of the business between the hours of 10:00 PM and 10:00 AM. **(PD)**
 - i. All areas permitted for the sales, service, and consumption of alcoholic beverages shall be sufficiently illuminated to permit for the identification of patrons. **(PD)**
 - j. Prior to the sales of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by ABC, shall be submitted to the Planning and Building Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - k. The use conditions listed herein shall be clearly posted on the premises at all times.
3. Incorporating sustainable or “green” building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green’s Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney’s fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.